

**BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Haipeng Li)	
)	
)	
v.)	Docket DOT-OST-2021-0148
)	
Air Canada)	
)	

ANSWER OF AIR CANADA

Communications with respect to this document should be addressed to:

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Counsel for Air Canada

December 2, 2021

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ANSWER OF AIR CANADA

Pursuant to 14 C.F.R. §§ 302.405(a) and 302.408(b), Air Canada hereby answers the Complaint filed by Haipeng Li in the above-captioned docket, and states as follows:

1. Mr. Li filed the above-captioned Complaint on November 22, 2021 and served it on counsel for Air Canada on November 23, 2021.
2. Air Canada has investigated the facts and circumstances surrounding the Complaint. The Complainant's flight was cancelled for reasons outside of Air Canada's control including but not limited to COVID-19, government travel advisories and/or health and safety concerns, and the cancellation occurred during the period February 1, 2020 – April 13, 2021 (which is covered by Air Canada's COVID-19 Goodwill Refund Period).
3. The Complainant's ticket was refunded in full in Aeroplan frequent flier points in January 2021. The Complainant subsequently requested a refund from Air Canada in the original form of payment via a conversion of the previously refunded Aeroplan points to cash. This request was honored by Air Canada, but required a complicated and time-consuming manual intervention by Air Canada staff. The conversion was completed and confirmation of the full cash refund was sent to the Complainant on November 22, 2021.

4. Air Canada and the U.S. Department of Transportation's (DOT) Office of Aviation Consumer Protection (OACP) entered into a Settlement Agreement on November 22, 2021, to resolve OACP's investigation into alleged violations by Air Canada of certain DOT consumer protection laws and regulations relating to refunds during the COVID-19 pandemic. The Settlement Agreement was approved by a DOT Administrative Law Judge on November 23, 2021 and "dispose[s] of all pending issues" in the matter.¹
5. The legal arguments and factual allegations presented by the instant Complaint are of the type which were consolidated for investigation by OACP and which were disposed of by the Settlement Agreement.² Moreover, because the Complainant has been fully refunded in cash, Air Canada's actions are fully consistent with the terms and conditions set forth in its Settlement Agreement with OACP and further investigation is not warranted.

WHEREFORE, Air Canada respectfully requests that the Department issue an order dismissing the instant Complaint pursuant to 14 CFR § 302.406.

Respectfully submitted,



Evelyn D. Sahr
Drew M. Derco
ECKERT SEAMANS CHERIN & MELLOTT, LLC
Counsel for Air Canada

¹ Order Approving Settlement Agreement, Docket DOT-OST-2021-0073-0039 (Nov. 23, 2021).

² See In re: Air Canada Formal Complaints, Notice of Administrative Action, Dockets DOT-OST-2020-0055 et al. (Jun. 15, 2021) (closing individual formal complaint dockets due to their substantially equivalent subject matter and submitting a single combined DOT Complaint).

CERTIFICATE OF SERVICE

I hereby certify that I have electronically served on this date a copy of the foregoing Answer
on the following persons:

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December 2, 2021


Eric Felland